

February 13, 2012

Frederick County Community Development Division
Zoning Map Amendment
Application Instructions and Procedures

Applications for zoning map amendments, including applications for floating zones and Euclidean zones are now accepted at any time during the year. All application material should be submitted to the Frederick County Community Development Division, 30 N. Market St., Frederick.

Required Application Material: (original plus **35 copies** of all material)

1. Application Form
2. Application Fee: \$2,177 plus \$20 per acre (fee must accompany application). Check made payable to *Treasurer of Frederick County*.
3. Ownership Verification: Applicant must be owner or contract purchaser. If contract purchaser, submit copy of contract.
4. List of Names and Address of All Adjoining and Confronting Property Owners: List of ALL adjoining property owners, whether or not separated by streets, railroad, or other rights-of-way, MUST HAVE HOUSE NUMBERS OR P.O. NUMBERS and must be obtained from the latest Frederick County Property Assessment Records.
5. Boundary Plat: Plat must be prepared and sealed by a registered surveyor and certified to be the correct metes and bounds (courses and distances) of the land proposed to be rezoned.
6. Vicinity Map: Page size map showing Zoning of all property within 1,000 feet of the site.
7. Justification Statement: A written explanation of the reasons why the map amendment is sought should be submitted, setting forth in sufficient detail to properly advise County officials as to the justifications for the rezoning change. Applications for floating zones shall include such information as found in the Special Development District Regulations of the Zoning Ordinance. For applications other than floating zones, such explanations should address the following information:
 - A. A statement as to whether or not there is evidence of mistake in the current zoning, and, if so, the nature of the mistake and the facts to support the allegation.
 - B. A statement as to whether or not there is evidence of a substantial change in the character of the neighborhood subsequent to the most recent comprehensive rezoning. If a change is alleged, the nature of the change and the facts to support the allegation.
 - C. A statement as to whether or not such amendment is consistent with the Comprehensive Plan for Frederick County.
 - D. Any other factors or findings which the applicant desires the Board to consider prior to evidence being presented at the hearing.

PROCEDURES

The Planning Manager will review the application and if all required information has been submitted, he will accept the application and schedule for a public hearing before the Planning Commission.

1. Posting of Property: At least thirty (30) days prior to the hearing on the map amendment, the applicant shall erect a sign provided by the Division of Planning. IT IS THE APPLICANTS RESPONSIBILITY TO ENSURE THIS IS DONE PROPERLY. If not posted properly, the request will need to be rescheduled.
2. Posting Affidavit: The applicant shall file a notarized affidavit certifying the posting of the property.
3. Planning Commission Hearing: The hearing will be held on the date as established. The staff report will be available the Wednesday prior to the hearing date. Applicant will have 30 minutes to present their case with a 5-minute rebuttal following public comments.
4. County Commissioners Hearing: The County Commissioners will hold a public hearing on the amendment requested, following receipt of the Planning Commission's recommendation. Requirements for posting of properties are 30 days prior to the hearing. Applicant will have 30 minutes to present the case with a 5-minute rebuttal following public comments.
5. Decision: The decision of the County Commissioners approving, or denying an application for a map amendment shall be rendered within thirty (30) days of the LAST public hearing, unless such time is extended by an official resolution adopted by the County Commissioners.

WITHDRAWALS: The applicant may withdraw, in writing to the Chief of Comprehensive Planning, a case from consideration prior to the public hearing of the Board of County Commissioners or Planning Commission. Any new application for rezoning of said property shall be subject to all procedures and fees of an original application.

CONTINUANCES: No requests for continuances of map amendments will be granted except that the Board of County Commissioners may, on their own motion, continue a request.

DENIALS: An application for a reclassification shall not be accepted for filing by the Zoning Administrator if the application of the whole or any part of land the reclassification of which has been opposed or denied by the County Commissioners on the merits within twelve (12) months from the date of the County Commissioners decision.